IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15355 of 2007(C)

PETITIONER:

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1. K.RAJU PARAMESWARAN,
   S/O.K.P.PARAMESWARAN, AGED 57,
   RESIDING AT T.C.17/1012, PRAYAPURAM,
   THIRUVANANTHAURAM.

2. BRIGASH RAJU, S/O.RAJU PARAMESWARAN,
   RESIDING AT DO.DO.

3. SHOBHAN, W/O.K.RAJU PARAMESWARAN,
   VRN-E.3/2, T.C.17/1012(3),
   POOJAPURA, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH

RESPONDENTS:

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1. GOVERNMENT OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. COCHIN UNIVERSITY OF SCIENCE AND
   TECHNOLOGY, KOCHI, REPRESENTED BY ITS
   VICE CHANCELLOR.

3. COCHIN UNIVERSITY COLLEGE OF ENGINEERING
   KUTTANAD.

4. INDIAN OVERSEAS BANK, REPRESENTED BY
   ITS BRANCH MANAGER, ARISTO JUNCTION,
   THIRUVANANTHAPURAM.

BY ADV. SRI.P.B.SURESH KUMAR, SC,I.O.BANK
GOVERNMENT PLEADER SRI. I.V. PROMOD
SRI. A.A. ABUL HASSAN - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.15355 OF 2007

DATED THIS THE 24th DAY OF MAY, 2007

JUDGMENT

The 2nd petitioner was a student of the 2nd respondent University in its College of Engineering, Kuttanad. He has already completed the course. His contention in this writ petition is that his certificates have not been returned to him on the ground that the 4th respondent – Bank from whom the petitioners have taken a loan for the education of the 2nd petitioner has informed the University not to release the certificates unless the liability to the Bank is paid off. The petitioners' contention is that the University has no power to withhold the certificates at the instance of the 4th respondent and it is for the 4th respondent to take appropriate proceedings for recovery of the loan amount.

2. I have heard the learned counsel for the petitioners, the learned standing counsel for the University and the learned standing counsel for the 4th respondent – Bank.

3. The learned standing counsel for the University submits that the 2nd petitioner has never applied to the University for transfer certificate, conduct certificate and mark list and as and when he applies for the same, it would be released to him and there is no

reason for his apprehension that it would be withheld at the instance of the 4th respondent.

4. The learned standing counsel for the 4th respondent submits that since the petitioners have received the security amount from the University and diverted the same without paying the same to the Bank, the 2nd petitioner is not entitled to get the certificates until the petitioners pay off the entire amount due to the Bank.

5. Having heard both sides, I am not satisfied that there is no basis for the contentions of the 4th respondent. If any amounts are due from the petitioners to the 4th respondent, it is for the 4th respondent to take appropriate proceedings for recovery of the same. For that purpose certificates belonging to the 2nd petitioner cannot be withheld.

In the above circumstances, I dispose of this writ petition according to the submission of the learned standing counsel for the University that the certificates would be released to the 2nd petitioner as and when he applies for the same.

S. SIRI JAGAN, JUDGE

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